

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JOHN MALONE AND VERONICA
MALONE AND AHLESE, LLC,
Plaintiffs,**

CIVIL ACTION

v.

NO. 17-1694

**HOWARD WEISS AND WENDY WEISS,
Defendants.**

ORDER

AND NOW, this 12th day of February, 2018 upon consideration of Defendants' Motion to Dismiss (ECF No. 26), Plaintiff's Response in Opposition (ECF No. 31), and Defendants' Reply thereto (ECF No. 32), **IT IS HEREBY ORDERED** that Plaintiff's Motion is **GRANTED IN PART AND DENIED IN PART** as follows:

- (a) Defendants' Motion to Dismiss Counts Three and Four (breach of contract and piercing the corporate veil) is **GRANTED**. Counts Three and Four are **DISMISSED WITHOUT PREJUDICE**. Plaintiffs shall have 7 days from the date of this Order to file a Second Amended Complaint, consistent with the accompanying Memorandum Opinion.
- (b) Defendants' Motion to Dismiss Count Five (fraudulent inducement) is **GRANTED**. Count Five is **DISMISSED WITH PREJUDICE**.
- (c) Defendants' Motion to Dismiss Count Six (conversion) is **DENIED**.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.